

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and )  
MONSANTO TECHNOLOGY LLC, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
E.I. DUPONT DE NEMOURS AND )  
COMPANY and PIONEER HI-BRED )  
INTERNATIONAL, INC., )  
 )  
Defendants. )

Case No. 4:09-CV-00686-ERW

**DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL  
DEFENDANTS' MEMORANDUM IN OPPOSITION TO MONSANTO'S  
MOTION TO DISMISS CERTAIN ANTITRUST, PATENT AND  
CONTRACT COUNTERCLAIMS AND TO STRIKE CERTAIN PATENT  
AND CONTRACT AFFIRMATIVE DEFENSES AND EXHIBIT 1 THERETO**

E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc.

(collectively "Defendants") hereby respectfully move the Court for an order allowing Defendants to file a complete, unredacted Memorandum in Opposition to Monsanto's Motion to Dismiss Certain Antitrust, Patent and Contract Counterclaims and to Strike Certain Patent and Contract Affirmative Defenses under seal, pursuant to E.D. Mo. L. R. 13.05(A). The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. On September 13, 2010, the Court entered a docket text Order granting Plaintiffs Monsanto Company and Monsanto Technology LLC (collectively, "Monsanto") leave to file under seal an unredacted version of the Memorandum in Support of their Motion to Dismiss Certain Antitrust, Patent and Contract Counterclaims and to Strike Certain Patent and Contract Affirmative Defenses ("Plaintiffs' Motion").

2. In order for Defendants to respond to the arguments in Plaintiffs' Motion, it is necessary to refer to and discuss confidential and proprietary information, specific redacted portions of the Plaintiffs' Motion, and the terms of the Roundup Ready Soybean and Corn License Agreements and other confidential documents which are subject to confidentiality provisions and are also filed under seal (*see* Dkt # 4).

3. Defendants respectfully request that they be permitted to file a complete, unredacted version of Defendants' Memorandum in Opposition to Plaintiffs' Motion for Partial Judgment on the Pleadings under seal in order to preserve the confidentiality of the information contained therein. Concurrently herewith, Defendants are filing a redacted version of this document (with the confidential and proprietary information removed) in the publicly available court file.

4. Defendants also respectfully request that they be permitted to file under seal Exhibit 1 to their memorandum in opposition which also contains confidential language from one of the parties' agreements. A redacted version of this exhibit is not being filed with the redacted version of Defendants' Memorandum in Opposition.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file under seal a complete, unredacted Memorandum in Opposition to Monsanto's Motion to Dismiss Certain Antitrust, Patent and Contract Counterclaims and to Strike Certain Patent and Contract Affirmative Defenses and a complete, unredacted copy of Exhibit 1 thereto.

Dated: October 18, 2010

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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